

Introduced by Senator Speier

February 23, 2001

An act to add Sections 31678.3 and 31780.2 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, as introduced, Speier. County employees' retirement: benefits.

(1) The existing County Employees Retirement Law of 1937 authorizes adoption of various formulae for calculation of retirement allowances, including a 2% at age 55^{1/2} formula, and provides that a member's allowance shall be calculated under any one formula only for the period of time that the formula was in effect in the county.

This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, calculation of a member's allowance under the 2% at age 55^{1/2} formula shall be based on all of the member's eligible service credit, as defined.

(2) Under the existing County Employees Retirement Law of 1937, death benefits and survivor's allowance are payable to the surviving spouse or children of a deceased member, as specified.

This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 31678.3 is added to the Government Code, to read:

31678.3. (a) This section shall only be applicable in a county of the 10th class, as defined in Sections 28020 and 28031.

(b) Notwithstanding Section 31678, benefits calculated in accordance with Section 31676.14 shall be based upon all eligible service credit earned by the member since becoming a member.

(c) This section shall not be operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county.

(d) For purposes of this section, “eligible service credit” means the service credit earned as a member of the tier or tiers eligible for benefits under Section 31676.14, as specified in the resolution of the board of supervisors.

(e) This section shall apply only to benefits payable to members who retire on or after the effective date specified in the resolution of the board of supervisors.

SEC. 2. Section 31780.2 is added to the Government Code, to read:

31780.2. (a) In a county of the 10th class, as defined in Sections 28020 and 28031, any benefits accorded to a spouse pursuant to this article and Article 11 (commencing with Section 31760), Article 15.5 (commencing with Section 31841), Article 15.6 (commencing with Section 31855), and Article 16 (commencing with Section 31861), or any of them, may be accorded to a domestic partner, as defined in a resolution adopted by the county board of supervisors, provided that the member and the member’s domestic partner have a current Affidavit of Domestic Partnership, in the form adopted by the county board of supervisors, on file with the county for at least one year prior to the member’s retirement or death prior to retirement.

(b) This section shall not be operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county.

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